

REMARKS

Responsive to the Office Action dated April 4, 2005, Claim 1 has been amended. Accordingly, Claims 1-10 are pending for consideration with Claim 1 being independent.

I. The § 112 Rejections

Claims 1-10 were rejected under 35 U.S.C. § 112, first paragraph, because it is asserted that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. Applicant has amended Claim 1 accordingly and therefore respectfully requests reconsideration and withdrawal of this rejection.

Claims 1-10 were also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended Claim 1 accordingly and therefore respectfully requests reconsideration and withdrawal of this rejection.

II. The Double-Patenting Rejection

Claims 1-10 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 10/940,210. It is asserted that, although the conflicting claims are not identical, they are not patentably distinct from each other. Applicant respectfully submits that this rejection is prohibited by the third sentence of 35 U.S.C. § 121 which prohibits the use of a patent issuing on an application with respect to which a requirement for restriction has been made, or on an application filed as a result of such a requirement, as a reference against any divisional application, if the divisional application is filed before the issuance of the patent. The present application is the parent of the cited divisional application which includes claims that were the subject of a restriction requirement in this application which stated that the claims at

issue were patentably distinct. Accordingly, Applicant respectfully submits that the double patenting rejection is improper and requests its withdrawal.

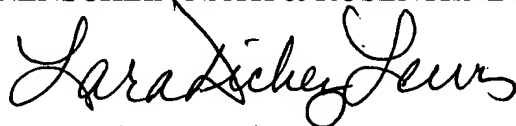
III. Conclusion

Accordingly, Applicant respectfully submits that the present application is now in condition for allowance and courteously solicits the same. If the Examiner should have any questions regarding the foregoing, she is encouraged to call the undersigned at 816.460.2516. Should any fees be necessitated by this response, the Commissioner is hereby authorized to deduct any such fees from Deposit Account No. 19-3140.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By



Lara Dickey Lewis, Reg. No. 48,161
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, IL 60606-1080
816-460-2516 (telephone)
816-531-7545 (facsimile)

ATTORNEYS FOR APPLICANT